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TO AMEMBASSY ADDIS ABABA PRIORITY
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AMEMBASSY LAGOS PRIORITY
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AMEMBASSY PARIS PRIORITY

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C O N F I D E N T I A L STATE 284576

E.O. 12356: DECL: OADR
TAGS: MOPS, PREL, AORC, OAU, RW
SUBJECT: GUIDANCE FOR ARUSHA III TALKS

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: IN PREPARATION FOR THE NEXT ROUND OF
POLITICAL NEGOTIATIONS ON RWANDA IN ARUSHA SEPTEMBER 7-16.
WE ARE PROVIDING POSTS BY THIS CABLE WITH GENERAL CONCEPTS
THAT WILL SERVE AS POINTS OF DEPARTURE FOR OUR UPCOMING
DISCUSSIONS WITH THE GOR, THE RPF' AND INTERESTED THIRD
PARTIES. THIS IS INTERNAL GUIDANCE ONLY AND SHOULD NOT BE

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 30 OCT 2007 200103014

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PROVIDED IN WRITING TO ANY NON-USG PARTY.

BACKGROUND

3. WE HAVE CONSIDERED HOW THE UNITED STATES MIGHT CONTRIBUTE TO THE SUCCESS OF THE NEXT ROUND OF POLITICAL NEGOTIATIONS IN ARUSHA, DRAWING ON OUR EXPERIENCE IN HELPING TO RESOLVE OTHER AFRICAN CONFLICTS IN NAMIBIA, ANGOLA, ETHIOPIA, AND MOZAMBIQUE. PARAS 5-9 PROVIDE GENERAL CONCEPTS TO SERVE AS POINTS OF DEPARTURE FOR DISCUSSIONS WITH THE GOR AND RPF (AS WELL AS THIRD PARTIES

SUCH AS FRANCE, BELGIUM THE OAU. AND TANZANIA) BOTH PRIOR TO AND DURING THAT ROUND. WE HAVE DEVELOPED THE POINTS IN CONSULTATION WITH EMBASSY KIGALI AND OTHERS WHO HAVE FOLLOWED THE RWANDAN NEGOTIATIONS AND HAVE COMMITTED THEM

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TO WRITING SO THAT ALL USG INTERLOCUTORS CAN SING FROM THE SAME SHEET OF MUSIC (GRACE NOTES AND IN-KEY VARIATIONS ARE ENCOURAGED).

4. WE DO NOT INTEND TO PROVIDE THESE CONCEPTS TO EITHER SIDE (OR TO THIRD PARTIES) IN WRITING. IT IS IMPORTANT IN ALL OUR DISCUSSIONS NOT TO IMPLY THAT WE HAVE A MAGIC PEACE POTION (WE DON'T), TO APPEAR TO BE DICTATING SPECIFIC RESULTS TO THE PARTIES (WHO INSTEAD NEED TO ARRIVE AT THEIR OWN COMPROMISES IF A PEACE ACCORD IS TO HOLD). OR TO SUGGEST TO FRANCE, TANZANIA, THE OAU, OR OTHERS THAT THE UNITED STATES IS ARROGATING TO ITSELF THE ROLE OF PRINCIPAL MEDIATOR IN THE TALKS.

CONCEPTS FOR THE NEXT ROUND

5. WE ENVISION AN EXPANDED AND ABSOLUTELY ESSENTIAL ROLE FOR THE JOINT POLITICAL MILITARY COMMISSION (JPMC) IN OVERSEEING THE ENTIRE PROCESS OF POLITICAL TRANSITION THAT RESULTS FROM THE PEACE ACCORD.

-- THE JULY 12 ARUSHA ACCORD (AMENDING THE N'SELE CEASEFIRE AGREEMENT) SET OUT A TWOFOLD MANDATE FOR THE JPMC: (1) "TO ENSURE THE FOLLOW-UP OF THE IMPLEMENTATION OF THE CEASEFIRE AGREEMENT"; AND (2) "TO ENSURE THE FOLLOW-UP OF THE IMPLEMENTATION OF THE PEACE AGREEMENT TO BE SIGNED AT THE CONCLUSION OF THE POLITICAL NEGOTIATIONS." THUS FAR, THE JPMC COULD ONLY FULFILL THE

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FIRST DUTY AND. WITH ITS HEADQUARTERS IN ADDIS ABABA FAR FROM THE ACTION, HAS PROVED TO BE A LESS THAN VIBRANT
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INSTITUTION. THAT NEEDS TO CHANGE AS SOON AS THE PEACE ACCORD IS SIGNED. THE JPMC SHOULD TAKE UP ITS EXPANDED DUTIES IN KIGALI.

-- SENIOR REPRESENTATIVES OF THE GOR AND RPF (E.G.. THE CURRENT HEADS OF DELEGATION IN THE NEGOTIATIONS) SHOULD ASSUME RESPONSIBILITY FOR REPRESENTING THE TWO PARTIES IN THE JPMC.

-- THE PARTIES SHOULD ALSO CONSIDER THE CREATION OF "SUB-COMMISSIONS" TO OVERSEE PARTICULAR ASPECTS OF THE ACCORDS (E.G.. A SUB-COMMISSION TO MONITOR THE CEASEFIRE; ANOTHER TO OVERSEE THE FORMATION OF A NATIONAL ARMY;

PERHAPS ANOTHER TO DEAL WITH INTERNAL SECURITY/GENDARMERIE).

-- IN DISCUSSIONS WITH THE GOR, WE SHOULD STRESS THE CRUCIAL ROLE THE JPMC CAN PLAY IN ENGAGING THE RPF IN THE POLITICAL PROCESS AND ENCOURAGING COMPROMISE RATHER THAN MILITARY CONFRONTATION.

-- WITH THE RPF, WE SHOULD NOTE THAT THE JPMC CAN FULFILL MOST IF NOT ALL THE FUNCTIONS OF THE "NATIONAL COUNCIL" PROPOSED BY THE RPF. THE ADVANTAGE OF THE JPMC. FROM THE RPF PERSPECTIVE, IS THAT THE GOR HAS ALREADY AGREED TO ITS EXISTENCE AND BROAD MANDATE. RATHER THAN ATTEMPT TO SUPERIMPOSE A NEW INSTITUTION ATOP THE EXISTING RWANDAN GOVERNMENT, THE RPF SHOULD EXPLOIT THE POWERFUL INSTRUMENT ALREADY IN HAND. (THIS APPROACH HAS WORKED WELL FOR UNITA IN ANGOLA.)

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6. ON THE CONTENTIOUS ISSUE OF THE RWANDAN CONSTITUTION. WE SHOULD ENCOURAGE THE PARTIES TO FOCUS FIRST ON SUBSTANTIVE ISSUES (LIMITS ON PRESIDENTIAL AUTHORITY; THE RELATIONSHIP BETWEEN THE PRESIDENT, THE GOVERNMENT. AND THE MILITARY; HUMAN RIGHTS GUARANTEES; ETC.). TO SEEK AGREEMENT ON PRINCIPLES ACCEPTABLE TO BOTH SIDES, AND TO LEAVE UNTIL AFTERWARDS THE QUESTION OF PRECISELY HOW SUCH PRINCIPLES WILL BE MADE BINDING UNDER RWANDAN LAW.

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-- WE SHOULD DISCOURAGE THE RPF FROM PROPOSING THAT THE EXISTING CONSTITUTION SIMPLY BE TOSSED OUT: INSTEAD THE RPF SHOULD BUILD ON POSITIVE ELEMENTS IN THE CURRENT CONSTITUTION AND EVOLVING POLITICAL ORDER AND NEGOTIATE CHANGES THAT IT DEEMS ESSENTIAL.

-- IF APPROPRIATE, WE MIGHT SUGGEST TO THE GOR THAT IT PREEMPT A POTENTIALLY COUNTERPRODUCTIVE AND POLEMICAL DEBATE OVER THE CONSTITUTION BY ANNOUNCING AT THE START OF NEGOTIATIONS THAT ALL PROVISIONS IN THE PEACE ACCORD WILL BE MADE BINDING UNDER RWANDAN LAW, WITH THE "HOW" TO BE ADDRESSED ONCE THE SUBSTANCE OF THE ACCORD IS AGREED.

7. THE JULY 12 AMENDED N'SELE CEASEFIRE AGREEMENT CALLS FOR THE "ESTABLISHMENT OF POWER-SHARING WITHIN THE FRAMEWORK OF A BROAD-BASED TRANSITIONAL GOVERNMENT." THE "MODALITIES OF IMPLEMENTATION" OF THIS PRINCIPLE ARE TO BE "SPECIFIED DURING THE POLITICAL NEGOTIATIONS."

-- AS WITH THE CONSTITUTION, WE WOULD ENCOURAGE THE RPF NOT TO PROPOSE THAT THE EXISTING GOVERNMENT BE TOSSED
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OUT. RATHER, IT COULD BE EXPANDED AND/OR MODIFIED TO INCLUDE RPF REPRESENTATION IN A WAY THAT GUARANTEES MEANINGFUL "POWER-SHARING." SUCH ARRANGEMENTS WOULD CONTINUE THROUGH THE HOLDING OF FREE AND FAIR NATIONAL ELECTIONS. WHEN COUPLED WITH THE BROAD OVERSIGHT ROLE OF THE JPMC, PARTICIPATION WITHIN THE GOVERNMENT CAN OFFER THE RPF A SIGNIFICANT SHARE OF POLITICAL POWER IN RWANDA.

-- AT THE SAME TIME, THE PARTIES COULD NEGOTIATE CREATION OF SPECIAL COMMISSIONS ON PARTICULAR SUBJECTS (ELECTORAL LAWS, LOCAL GOVERNMENT, ETC.) WHICH WOULD PLAN RWANDA'S FUTURE EVEN AS GOVERNMENT STRUCTURES ARE HELD IN PLACE IN THE FASHION OF THE CODESA PROCESS FOR SOUTH AFRICA.

-- THE MAINTENANCE OF THE EXISTING GOVERNMENTAL STRUCTURES WILL PROVIDE THE GOR NEGOTIATORS WITH A "VICTORY" OF THEIR OWN IN SELLING AN EVENTUAL PEACE ACCORD TO HARDLINERS AND SKEPTICS IN KIGALI.

7. IT IS NOT CLEAR TO WHAT EXTENT THE ARUSHA NEGOTIATIONS WILL FOCUS ON ELEMENTS OF A PERMANENT (AS OPPOSED TO A TRANSITIONAL) POLITICAL STRUCTURE FOR RWANDA.

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-- AS NOTED ABOVE, THE JULY 12 ARUSHA AMENDMENT TO THE N'SELE CEASEFIRE AGREEMENT SPEAKS OF A BROAD-BASED "TRANSITIONAL" GOVERNMENT. WE ASSUME THE "TRANSITION- IS TO "DEMOCRACY" VIA FREE. TRANSPARENT. AND FAIR ELECTIONS. ALTHOUGH THE RPF'S ULTIMATE OBJECTIVES REMAIN UNCLEAR, THE EVIDENCE SUGGESTS A DESIRE FOR A LONG-TERM SHARE OF POLITICAL POWER THAT UNADULTERATED MAJORITARIANISM IS

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UNLIKELY TO ENSURE.

-- TO THE EXTENT THAT PERMANENT POWER-SHARING GUARANTEES ARE DEBATED AT ARUSHA, WE SHOULD ENCOURAGE CONSIDERATION OF CONCEPTS THAT HAVE SHOWN THEMSELVES EFFECTIVE IN OTHER COUNTRIES, INCLUDING: AN ENTRENCHED AND JUDICIALLY ENFORCEABLE CHARTER OF INDIVIDUAL RIGHTS; ELECTORAL SYSTEMS (SUCH AS PROPORTIONAL REPRESENTATION) THAT AVOID WINNER-TAKE-ALL RESULTS; DECENTRALIZATION OF POWER; REQUIRED SUPERMAJORITIES FOR AMENDMENT OF THE CONSTITUTION AND OTHER DECISIONS OF MAJOR NATIONAL IMPORTANCE; GUARANTEES OF BALANCE IN THE RANKS OF GOVERNMENT EMPLOYEES; AND OTHER MEASURES THAT OFFER EVERY SIGNIFICANT POLITICAL PARTY/GROUPING A FAIR SHARE OF PARTICIPATION IN THE GOVERNMENT AND NATIONAL POLITICAL LIFE.

8. ALTHOUGH THE PARTIES AGREED TO DISCUSS THE POLITICAL ISSUES FIRST AND INTEGRATION OF THE ARMIES LATER THEY SHOULD NOT PRECLUDE COMBINING THE TWO SUBJECTS IN ORDER TO "TRADE OFF" CONCESSIONS IN ONE AREA FOR CONCESSIONS IN THE OTHER.

-- IF THE TALKS ON POLITICAL ISSUES &OG DOWN. IT MIGHT BE WISE TO TAKE UP INTEGRATION OF THE ARMIES, SEEK TO REACH AT LEAST PARTIAL AGREEMENT, AND THEN USE THAT PROGRESS TO GIVE IMPETUS TO NEGOTIATION OF THE OTHER SUBJECTS.

-- IN PARTICULAR, IF THE RFF GAINS CONFIDENCE THAT ITS MILITARY FORCES WILL HAVE A SIGNIFICANT SHARE OF THE POSITIONS AND POWER IN A COMBINED ARMY. THE RPF MAY BE

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MORE WILLING TO MAKE COMPROMISES WITH RESPECT TO THE CONSTITUTION, THE EXISTING GOVERNMENT. AND THE ROLE OF THE PRESIDENT.

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-- OUR EXPERIENCE IN ANGOLA AND MOZAMBIQUE SUGGESTS THAT
WARRING PARTIES CAN OFTEN AGREE ON BASIC PRINCIPLES TO
GOVERN THE CREATION OF COMBINED MILITARY FORCES (A PROCESS
THAT BUILDS CONFIDENCE AMONG THE NEGOTIATORS) BUT THEN
HOLD BACK ON FINAL COMPROMISES UNTIL THE ENTIRE PACKAGE S
NEAR CLOSURE. EAGLEBURGER

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